

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

JOHN DUNCAN, #180841,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION NO. 2:07-CV-634-MHT
)	
JOHN CUMMINGS,)	
)	
Defendant.)	

ORDER

Upon consideration of the motion for leave to amend complaint filed by the plaintiff on July 31, 2007 (Court Doc. No. 6), in which the plaintiff requests that he be allowed to proceed on a claim regarding a denial of access to the court, and for good cause, it is

ORDERED that:

1. The motion for leave to amend be and is hereby GRANTED.
2. The defendant undertake a review of the subject matter of the complaint, as amended, (a) to ascertain the facts and circumstances; (b) to consider whether any action should be taken to resolve the subject matter of the complaint; and (c) to determine whether other similar complaints should be considered together.
3. The defendant shall file a written report containing the sworn statements of all persons having knowledge of the subject matter of the complaint, as amended. This report shall be filed with the court and a copy served upon the plaintiff within forty (40) days of

the date of this order. Authorization is hereby granted to the defendant to interview all witnesses, including the plaintiff. Whenever relevant, copies of medical and/or psychiatric records shall be attached to the written report. Where the plaintiff's claims or the defendants' defenses relate to or involve the application of administrative rules, regulations or guidelines, the written report shall include copies of all such applicable administrative rules, regulations or guidelines.

4. An answer addressing the claims raised by the plaintiff in the complaint and amendment thereto shall be filed by the defendant within forty (40) days from the date of this order.

5. The defendant is hereby GRANTED an extension to and including forty (40) days from the date of this order to file his written report and answer in compliance with the order entered on July 12, 2007 (Court Doc. No. 4).

6. No motion for summary judgment, motion to dismiss or any other dispositive motions addressed to the complaint, as amended, be filed by any party without permission of the court. If any pleading denominated as a motion for summary judgment, motion to dismiss or other dispositive motion is sent to the court, the court shall not file or otherwise treat the pleading as a dispositive motion until and unless further order of the court.

The plaintiff is CAUTIONED that this court will not continue to grant him leave to amend without a showing of exceptional circumstances. Additionally, any

claims for relief which arise subsequent to entry of this order should be presented to the court in a separate 42 U.S.C. § 1983 action.

The CLERK is hereby DIRECTED to furnish a copy of this order to the plaintiff and copies of this order and amendment to the complaint shall likewise be furnished to warden John Cummings and the General Counsel for the Alabama Department of Corrections.

Done this 1st day of August, 2007.

/s/ Charles S. Coody
CHARLES S. COODY
CHIEF UNITED STATES MAGISTRATE JUDGE